

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
LOCATED AT BAY CITY, MICHIGAN**

**FILED**

**AUG 26 2016**

U.S. DISTRICT COURT  
BAY CITY, MICHIGAN

**Plaintiffs,**

JOSEPH J. DURAN AND PAULA C  
DURAN  
5980 Duran Dr, Grayling, Michigan  
49738

Honorable Thomas L. Ludington,  
Magistrate Judge Patricia T. Morris

**Plaintiffs' attorney,**

DAVID R. SABIN P.C. P19822  
115 Michigan Ave, Grayling, Michigan  
49738

versus

Case Number: 1:16-cv-12700

**Defendants,**

(Alleged defendants) Dan Payne, Destry  
Payne, Gary Payne, et al.

876 Payne Rd, Grayling, Michigan  
49738

(Cover Sheet)

**DEFENDANT'S / PETITIONER'S ANSWER AND MOTION FOR  
RECONSIDERATION OF STAY OF ANY EXECUTION**

**RECONSIDERATION MOTION (1):**

**Destry, Dan and Gary Payne RESPECTFULLY REQUEST YOUR HONOR(S) GRANT SERIOUS RELIEF IN THE MATTER OF JOSEPH J. DURAN AND PAULA C DURAN v. (alleged defendants) Destry Payne, Dan Payne and Gary Payne (CASE NUMBER 16-10360-LT AT THE 87C DISTRICT COURT FOR CRAWFORD COUNTY; CASE NUMBER 1:16-cv-12700 AT THIS UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF THE STATE OF MICHIGAN); THE Payne BROTHERS, NOT BEING REPRESENTED BY AN ATTORNEY, RESPECTFULLY REQUEST THAT YOUR HONOR(S) RECONSIDER ISSUING A STAY OF EVICTION PROCEEDINGS IN LIGHT OF THE FACTS PRESENTED IN THE ACCOMPANYING AFFIDAVIT, PENDING THE DETERMINATIONS OF THIS HONORABLE FEDERAL COURT AT BAY CITY MICHIGAN PER RULE 28 U.S. CODE RULE 62 a AND OR ANY OTHER AUTOMATIC STAY OF EXECUTION PENDING REVIEW OF THIS CASE BEFORE THIS HONORABLE FEDERAL DISTRICT COURT. THE PAYNE BROTHERS WILL SUFFER IRREPARABLE HARM SHOULD THE EVICTION PROCEEDINGS REACH COMPLETION; AND, AS THE FEDERAL COURT SHOULD BE AWARE AND AS HAS BEEN POINTED OUT IN THE AFFIDAVIT, THE EVICTION PROCEEDINGS DID ARISE IN REAL ESTATE FRAUD DELIBERATLY AND UNLAWFULLY,,AND AGAINST A TIMELY FILED LIEN FILED ON DEC. 8<sup>th</sup> 2015 WITH CLERK'S OFFICE RECORDS OF DEEDS COUNTY OF GRAYLING BY DESTRY PAYNE, DANIEL PAYNE, AND GARY PAYNE ON THE LAND LOCATED AT #876 PAYNE ROAD , GRAYLING, MICHIGAN,49728, WHICH WAS 100% FRAUD**

**I MOST RESPECTFULLY SUBMITTED;**

**DATE** 23 August 2016

D. Payne

G. Payne

Gary Payne Dan Payne

Agent for Gary

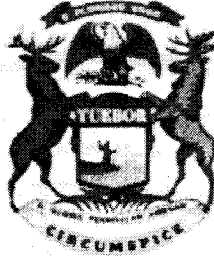
**Destry Payne, Daniel Payne, and Gary Payne**

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December 17, 2012 4:23 PM

TRACEY CORDES, CLERK  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
BY: ns

# State of Michigan



DEPARTMENT OF STATE

## APOSTILLE

(Convention de La Haye du 5 Octobre 1961)

1. Country:

**UNITED STATES OF AMERICA**

*This public document*

2. has been signed by:

**SARAH WEEKS**

3. acting in capacity of:

**Michigan Notary Public**

4. bears the seal of:

**SARAH WEEKS**

**Crawford County, Michigan**

## CERTIFIED:

5. at Flint , Michigan

6. the 11th of December, 2012

7. by Secretary of State, State of Michigan

8. NO. 104325-1-305289-194

9. Seal/Stamp:



10. Signature:

*Ruth A. Johnson*

**Ruth Johnson**

This certification attests only to the authenticity of the signature of the official who signed the affixed document, the capacity in which that official acted, and where appropriate, the identity of the seal or stamp which the document bears. This certification is not intended to imply that the contents of the document are correct, nor that they have the approval of the State of Michigan.

Form: private juris-Affidavit  
Session: one supreme Court


**Act of State**  
**Reaffirmation of Standing=Rights**  
**And Renunciation of Attempted Expatriation from Original-Lawful-Jurisdiction**

I, Destry-James: Payne, Executor, by International Common Law Registration, being of the age of majority, complete in my faculties, a natural born Divine creation, and a Private, Sentient, Civilian, Sovereign upon the Land within the constitutional public survey boundaries of Michigan, a Republic, of the constitutional township, Grayling, within the body of a constitutional county, Crawford, the proper jurisdiction of the Common Law thereto do solemnly make this Reaffirmation of Standing=Rights, pursuant to my absolute freedom of religion, of an Ambassador and Subject=Citizen of the Kingdom of Heaven under its King, Christ; and an American Sovereign Citizen-Principal in good Standing and Behavior, Public Minister=Ambassador, and dominium-absolute owner-inhabitant=domicile in the organic united States "a more perfect union" under the Constitution for the united States for America (1776 to 1791) as ordained and established, with reservation of all Divinely created and inherent unalienable Rights. It is, at the same time that I renounce and declare void, *ab initio*, any and all De Facto-Renegade-Corporate=UNITED STATES attempts by means of fiction or otherwise, of any changes in my lawful Status to that of a Corporate=Statutory=Military=Maritime=Admiralty=Fictitious="U.S." "person", "consumer", "individual", "citizen", "subject-citizen", "plaintiff=defendant", "resident", "whoever", "taxpayer", "driver", "gun=firearm=weapon-owner", "debtor", et al, subject to the seizure of Alien Properties by the hypothecated, Corporate-Legislative-Military-Maritime-Admiralty-Fictitious-Democracy=UNITED STATES, et al. Such corporations, fraudulent and non-existent in the Law, include, but are not limited to, the UNITED STATES, U.S., STATE OF MICHIGAN, COUNTY OF CRAWFORD, TOWNSHIP OF GRAYLING, DESTRY JAMES PAYNE ESTATE, DESTRY J PAYNE ESTATE, DESTRY PAYNE ESTATE, or any variations thereof, 382-66-3103, etc.. The doctrine of "Piercing the Corporate Veil", with its "Instrumentality Rule", will serve Notice to all acting as Corporate officers, agents, proctors, etc. in both public and private capacity, whether by color of law or color of official right, are acting or have acted without the usual immunities afforded in lawful-civil-judicial proceedings. For the peace and safety of all Corporate officers, agents, proctors, etc., as well as myself, I have identified all my guaranteed-absolute-rights including "Life, Liberty and Pursuit of Happiness", until such time as the present De Facto-Renegade-Corporate=U.S. government can make the necessary changes to its structure-existence to assure the same. These identifications will list the International Record Serial Number=Apostille Number, as has been recognized, received, recorded, and issued by the De Facto-Renegade-Corporate=U.S. government. As this Number is the International registration, National authentication, and State certification of a Public Document of the united States for America, my Nation, as well as identification of all guaranteed-absolute properties, whether Public or Private, will and have been in my Lawful possession. Any confiscation or seizure of any kind of any of the guaranteed-absolute Private and Public properties by any of the De Facto-Renegade-Corporate officers, agents, proctors, etc. will result in damages of Ten Million Dollars of united States money, that being enumerated in Article 1, Section 8, Clause 5a as specie "gold and silver coin" in the Constitution for the united States of America (1776-1791 to Date), to be multiplied by not only the damaging party(s), but by all those acting in concert with and causes of action.

This Declaration is made absolute by the enclosed Apostille, State of Michigan and pursuant to 15 Stat. Ch. 249 pg. 223 (1868), shall be made final, adopted, and accepted by the Doctrines of *Estoppel* by acquiescence, *Law of the Record* Apostille, *Moral Obligation*=peremptory mandamus, and the Divine Law, 380 U.S. 163; The Bible is law to be applied nationally; or upon the passing of a customary and reasonable time, ten (10) consecutive calendar days from receipt of the service guaranteed U.S. Mail, Certified or otherwise. It will be the President's absolute ministerial duty to identify, restore and correct any and all errors, injuries, wrongs and damages at anytime applied and/or authorized to Me pursuant to Congressional demand within 15 Stat. Ch. 249. I can redefine, reverse, alter, amend, change this Act of State at any time or place I should desire, effecting my birthright treaties, chattels, loans, mortgages, relationships, taxes, government regulations, private rights held back from government(s), externalities, declaration of existing restrictions, presentments, economic liberties, research and development of rights, not limiting any other restrictions.

Date: "In the Beginning" plus six days. Announcement of Diplomatic Arrival: twenty-seventh day of the second month, in the year nineteen seventy-three A.D. (27 February 1973).

Date: September 17th 2012

Autograph: 

**Me; American-Sovereign Citizen of Michigan; Christian, Private, Sentient, Civilian Absolute Sovereign Inhabitant;**

**united States for America: Michigan state, a republic, "within" a constitutional county and a constitutional township.**

**"...at the mouths of two or the mouths of three the matter is established."**  
**Deuteronomy 19:15**

Witness:

  
Divine, Sentient, Common Law Witness

Witness:

  
Divine, Sentient, common Law Witness

**Archetype**

Form: public juris-Affidavit  
Session: one supreme Court

**Act of State**  
**Primary Signature Certification**  
**(Convention de La Hague de 5 October 1961)**

TIAS 10072, 33-UST 883, 572 UNTS 189, (Convention #12)

I, Destry-James: Payne, Executor, do hereby certify the document enclosed to be a true, correct, complete, and not misleading under penalty of bearing false witness, this Original of the Archetype, containing the primary autograph as sealed below. This notarization is for the purpose of autograph certification only, for foreign use i.e. United States of America or of the U.S. originated document. This is pursuant to the Hague Conference on Private International Law dated 5 October 1961, at the Convention Abolishing the Requirement of Legislation for Foreign Public Documents. It was on 15 October 1981 in which the United States declared as being a signatory to this Convention, and this procedure is required for the legalization of administrative=judicial documents herein enclosed.

The State of Michigan  
The County of Crawford

Acknowledged and subscribed before me this 10th day of September in the year 2012.

Apostille Number: 104225-1-305289-194

  
Sentient Citizen; Autograph

SARAH WEEKS  
NOTARY PUBLIC, STATE OF MICHIGAN  
My Comm. Expires: 08/26/2017  
Crawford County, Michigan

**DEFENDANT'S FORMAL OBJECTIONS TO THE MAGISTRATE'S  
REPORT AND RECOMENDATIONS ON THE RECORD FOR  
SERIOUS CAUSE**

OBJECTION TO NO. 1

First off there are many errors in this MAGISTRATE'S OPINION and RECOMMENDATION. The Defendant(s) actually had no other choice but to remove this Case to this UNITED STATES FEDERAL DISTRICT COURT, under Title 28 U.S. CODE, SECTION 1446, because there is a diversity of citizenship for the main owner of the 876 Payne Road lives and dwells in the State of Denver Colorado , and in theory sold the property to the Plaintiff(s) here in Michigan and further the Plaintiff(s) perpetrated a 100% FRAUD by causing to issue a FRAUDULENT CONVEYANCE DEED, WHICH TOTALLY DISREGARDED A TIMELY LIEN FILED WITH THE GRAYLING RECORDS AND DEEDS OFFICE WHO DID LEGITIMATELY RECORDED ON LIBER **725** PAGE **41**, A LIEN ON DECEMBER 8<sup>th</sup>, 2015, which did take viable effective encumbrance over property located at 876 Payne Road in Grayling, Michigan 49728 and the Plaintiff(s) filed A FRAUDULENT CONVEYANCE DEED ON JANUARY 21<sup>st</sup> 2016 , AND FURTHER FILED WITH THE GRAYLING MICHIGAN 87<sup>th</sup> C DISTRICT COURT AND ACTION TO EVICT FROM THE PROPERTY BASED ON THAT FRAUDULENT CONVEYANCE DEED , WHICH WAS FRAUDULENT AND WHOLEY **VOID ab initio**, FOR ALL INTENTS AND PURPOSES. Now it is a matter of fact , THAT THERE IS NO WAY POSSIBLE FOR THESE DEFENDANT'S CAN RECEIVE A FAIR AND IMPARTIAL TRIAL OR HEARING ON THIS MATTER FOR CONSIDERABLE REASONS, BIAS, PREDISPOSED AND PREJUDICIAL TREATMENT OF THE DEFENDANTS BY THIS 87 C GRAYLING DISTRICT COURT COURT WHICH FOLLOWS THE DEMONSTRATION COURT TO SHOW ANYBODY , IF YOU DO NOT HAVE ANY ATTORNEY, OR YOU STAND AS YOUR OWN ATTORNEY , THAT YOU WILL GET NO CONSIDERATION IN ANY WAY BEFORE THAT 87 C DISTRICT COURT. THE ATTORNEYS ARE WARNED THAT IF YOU HELP THIS PRO SE LITIGANT ESPECIALLY ARGUING CONSTITUTIONAL RIGHTS YOU WILL BE SEVERELY PUNISHED TO

INCLUDE DIS- -BARMENT , SO NO ATTORNEY WILL EVEN TRY AND HELP YOU DEFEND YOUR CASE , AND IF YOU COME TO THE COURT AS YOUR OWN COUNCIL YOU WILL LOOSE FOR SURE, BECAUSE YOU WILL BE DISCRIMINATED AGAINST SEVERELY. THIS IS EXACTLY WHAT HAPPENS, IT IS CALLED THE DEMONSTRATION COURT HERE IN MICHIGAN ESPECIALLY IF YOU ARGUE YOUR CONSTITUTIONAL RIGHTS, AS A MAJOR ISSUE. Records and pleadings just disappear from the files and records ,and the MICHIGAN COURT RULES ARE TOTALLY IGNORED. JUDGES ISSUE PHONY JUDGMENTS WITHOUT ANY HEARING ON THE MATTER BASICALLY YOU GET RAILROADED , NO PROPER DUE PROCESS OF LAW AND SO I HAD NO OTHER CHOICE , BUT TO REMOVE OUR CASE TO THIS UNITED STATES FEDERAL DISTRICT COURT , AND THAT IS A FACT AND THAT IS WHY WE REMOVED THE CASE TO U.S. FEDERAL COURT. WE WOULD AT LEAST GET SOME KIND OF HEARING IN FEDERAL COURT ON OUR CONSTITUTIONAL RIGHTS AND FEDERAL QUESTIONS AND ESPECIALLY DUE PROCESS OF LAW. WE ALOS FIGURED THE FEDERAL COURT WOULD HONOR THE CONSTITUTION AND THE FEDERAL LAW MUCH BETTER. THE PLAINTIFF(S) SERVED US UNLAWFULLY, WE GOT SERVED AFTER DARK AND LATE ON A SUNDAY NIGHT WHICH IS UNLAWFUL, WE NEVER GOT OUR (21) TWENTY ONE DAYS TO ANSWER OR PLEAD BY THE MICHIGAN COURT RULES AND (4) FOUR DAYS LATER WE WERE JAMMED TO GO TO TRIAL IN 87 C DISTRICT COURT JUST AS WE FILED OUR PAPERS TO REMOVE THIS CASE TO THE FEDERAL COURT. YOU SEE THAT IS HOW THEY SLAM YOU IN 87 C DISTRICT COURT. THEY ENTERED A JUDGMENT AGAINST THE DEFENDANTS WITHOUT ONE CHANCE TO TIMELY PLEAD AN ANSWER. THE 87 C DISTRICT COURT IGNORED THE REMOVAL ACTION AND THE FEDERAL COURT HAVING PROPER 100% JURISDICTION THEY JUST DID WHAT THE HELL THEY WANTED. NOW YOU ADD THAT THE PLAINTIFF(S) IS A LOCAL BUILDING INSPECTOR CONNECTED TO THE 87 C DISTRICT COURT AND HIS LAWYER RENTS HIS OFFICE IN THE CITY OF GRAYLING, MICHIGAN AS A BIG SHOT LAWYER WELL CONNECTED, HE RENTS HIS OFFICE FROM JUDGE BURMIESTER AND CAN YOU SEE HOW STACKED THE DECK GETS IN GRAYLING MICHIGAN AGAINST THE POOR CITIZEN?? THE CLERK OF THE RECORDS AND DEEDS OFFICE IS ALSO WELL CONNECTED AND CAN YOU SEE HOW THE VALID LIEN JUST GOT IGNORED ON

THE PROPERTY AT 876 PAYNE ROAD GRAYLING MICHIGAN AND SOME HOW A VALID CONVEYANCE DEED SHOWS UP ON JANUARY 21 st, 2016, WHEN THE DEFENDANT'S LIEN WAS RECORDED AND FILED ON DECEMBER 8<sup>th</sup>, 2015, and the defendant's lien just got somehow buried in the dust. NOW THIS IS WHAT WE HAVE BEEN TRYING TO TELL YOU THAT YOU CAN NOT GET A FAIR OR HONEST TRIAL IN THE 87 C DISTRICT COURT. FURTHER IF YOU APPEAL TO THE CIRCUIT COURT IT DOESN'T MATTER IT IS THE SAME DAMN JUDGE JUDG BURMIESTER AGAIN. NOW IF YOU LIKE BANGING YOUR HEAD AGAINST THE WALL YOU GOT IT MADE HERE IN GRAYLING MICHIGAN. THAT IS HOW IT IS PLAIN AND SIMPLE. We need to have our hearing or trial IN THE U.S. FEDERAL COURT OR WE ARE TOTALLY OUT OF LUCK GETTING ANY JUSTICE OR LAW DONE IN THIS CASE. WE NEED THIS TRIAL AND WE NEED A STAY OF EXECUTION TO STOP THE INJUSTICES OF THE 87 C DISTRICT COURT OR THE DEFENDANT(S) WILL SUFFER IRREPARABLE HARM AND LOOSE OUR LAWFULLY OWNED PROPERTY AND THE PLAINTIFF(S) WILL STEEL OUR LAWFULLY OWNED LAND AT 876 PAYNE ROAD TO A BUNCH OF LEGAL FRAUD ARTISTS AND THAT IS THE TRUTH OF THE MATTER . WE NEED THIS FEDERAL COURT TO GRANT THE DEFENDANT(S) SO JUST AND HONEST RELIEF AND WE BESEECH YOUR KIND ATTENTION TO THIS G RAVE MATTER. ON TOP OF THIS MATTER MICHIGAN GOVERNOR HAS PUBLISHED A REALESTATE BILL TO STOP THIS KIND OF REALESTATE FRAUD AND MADE THE PENALTIES VERY SEVERE TO STOP THIS KIND OF REALESTATE FRAUD AND WE PROVIDED YOU WITH A COPPY SO YOU CAN SEE WHAT WAS PUBLISHED BY THE GOVERNOR OF THE STATE OF MICHIGAN. IT IS 20 YEARS AND A \$500,000.00 DOLLAR FINE, CERTAINLY NOTHING TO SNEEZE AT TO BE SURE SO IT IS A SERIOUS FELONY IF YOU GET CAUGHT, BUT YOU CAN SEE HOW HARD IT IS TO GET YOUR DAY IN GRAYLING COURTTHEY GOT THE SETUP COVERED QUITE THOROUGHLY FROM THE JUDGE DOWN AND HOW CAN A LITTLE GUY STAND UP TO THESE CRIMINALS????

## OBJECTION TO NUMBER #2

SECONDLY, WE DID ARGUE FOR OUR CONSTITUTIONAL RIGHTS BUT WE ARGUED UNDER TITLE 18 U.S. CODE SECTIONS 241 AND 242 AND THOSE RIGHTS ARE CLEARLY SPELLED OUT IN

OUR BRIEFS AND PLEADINGS AND ALSO TITLE 42 U.S. CODE SECTION 1983, 1985, AND 1986 AND WE CAN PROVE ALL OF IT IN SPADES SO THE REFERENCE TO #231 AND #232 ARE ALL SOME KIND OF TYPO OR ERROR AS WE KNOW WHERE OUR CONSTITUTIONAL RIGHTS LAY AND WE WOULD NOT MAKE SUCH A BIG MISTAKE IN NAMING OUR CONSTITUTIONAL RIGHTS.

### OBJECTION TO NUMBER # 3

NOW AS TO THE CLAIM AND REFERENCE OF SOME "SOVEREIGN CITIZEN" MOVEMENT THIS IS ALL MADE UP RUBBISH AS THE DEFENDANT(S) ARGUE MAINLY FOR THEIR OWN CONSTITUTIONAL RIGHTS AND WE ARE NOT HOOKED UP WITH SOME MOVEMENT OR CLUB OF PEOPLE JUST TO WASTE THE COURTS VALUABLE TIME OR ECONOMY. WE JUST WANT TO GET A FAIR DAY IN COURT AND GET A FAIR TRIAL ON THE MERITS. THIS MATTER IS PROPERLY AND LAWFULLY BEFORE THIS U.S. FEDERAL DISTRICT COURT. NOW I HAVE BEEN FALSE ARRESTED, FALSE IMPRISONED AND ALL WITHOUT ONE BASIS IN LAW AND I HAVE TRIED DILLIGENTLY TO GET MY HONEST DAY IN COURT AND THIS IS WHAT I HAVE TO PUT UP WITH. I PAY MY \$400.00 TWICE NOW, AND I TRY TO GET A FAIR TRIAL AND IT SEEMS THE FEDERAL COURTS MAY HAVE THIS SAME DEMONSTRATION COURT NETWORK GOING ALSO, MAYBE, AND I PRAY THIS IS NOT SO. NOW THIS WHOLE CASE IS ABOUT CONSTITUTIONAL RIGHTS AND DUE PROCESS BEING ONE OF THE BASIC TENNETS AND UNDER TITLE 28 U.S. CODE SECTION 1331 SAVING TO SUITERS CLAUSE I CLAIM MY CONSTITUTIONAL RIGHTS ALL OF THEM AS MINE AND I AM TRYING TO GET THEM HONORED, AND HAVE GREATER DIFFICULTY WITH THE 87 C DISTRICT COURT AND JUDGE BURMIESTER GETTING MY DAY IN COURT. IT IS ALL BUT TOTALLY IMPOSSIBLE. NOW UNDER BYARS VS UNITED STATES OF AMERICA, 273 U.S.28, THE CONSTITUTION IS SUPPOSE TO TO BE DETERMINED AND INTERPRETED IN FAVOR OF ME THE CITIZEN AND BENEFICIARY OF THE CONSTITUTIONAL CONTRACT, AND I HAVE THAT RIGHT UNDER 16<sup>th</sup> AMERICAN JURIS PRUDENCE SECTION # 97 AND BYARS VS UNITED STATES 273 U.S. 28 AND I CLAIM THAT RIGHT TO BE CONSIDERED AS THE BENEFICIARY OF THE CONSTITUTIONAL CONTRACT.

#### OBJECTION TO NUMBER # 4

THE DEFENDANT(S) STILL MAKE CLAIM UNDER THE FALSE CLAIMS ACT, BECAUSE THE PLAINTIFF(S) HAVE A 100% FRAUDULENT CONVEYANCE DEED, WHICH WAS USED TO DELIBERATELY DEFRAUD THE DEFENDANT(S) AND MAKE FRAUDULENT CLAIM OF JUST OWNERSHIP OF THE PROPERTY LOCATED AT 876 Payne ROAD IN GRAYLING, MICHIGAN AND THE GRAYLING COUNTY CLERK ONE SANDRA MOORE, ALLOWED THESE PLAINTIFF(S) TO IGNORE A DULY FILED AND RECORDED LIEN AND LITERALLY TO STEAL THIS 876 PAYNE ROAD PROPERTY AT GRAYLING MICHIGAN, BECAUSE THERE IS NO WAY THAT CONVEYANCE DEED COULD BE LAWFULLY VALID WITHOUT PAYMENT OF THE LIEN DULY FILED AND RECORDED IN THE GRAYLING RECORDS AND DEEDS OFFICE BY THE CLERK, WHO CLEARLY KNEW OR SHOULD HAVE KNOWN THERE WAS AN INCUMBERANCE TO THAT 876 PAYNE ROAD PROPERTY IN GRAYLING MICHIGAN AND SHE HAD TO KNOW THIS FACT FOR SURE. NOW THIS WAS DONE ACROSS STATE LINES IN INTER-STATE COMMERCE, AND WE INVOKE FEDERAL LAW AND CLEARLY ERIE RAILROAD VS TOMPKINS, OVER TURNING MCCULICH VS. MARYLAND, OVERTURNING 100 YEARS OF LAW ON PROPERTY, WHICH DECLARED STATE RIGHTS AND FEDERAL RIGHTS AND ALLOWING FOR INTERSTATE COMMERCE, THIS ALSO GIVES FEDERAL SUBJECT MATTER JURISDICTION, AND USE OF THE FEDERAL MAILS AND THE TELEPHONE SERVICES FOR COMMUNICATION OF A CRIME WITH THE USE OF THE INTERSTATE UTILITIES. ALSO PLEASE SEE ATTACHED EXHIBIT PROVING EMPHATICALLY THAT THERE IS SUCH A LEGAL PREMISE OF A APPOSTILE FOR A PERSON TO SECURE THEIR TRADE MARK NAME FROM ABUSES, AND PROTECT RIGHTS UNDER THAT PATENT AND TRADEMARK NAME, AND THESE DEFENDANTS HAVE PROOF OF THIS CLAIM ON OFFICIAL COURT RECORDS SUBMITTED AS DEFENDANTS EXHIBIT MARKED AS ""EXHIBIT AA-1 "" . ALSO THIS 876 PAYNE ROAD IS EASILY WORTH OVER \$100,000.99 AND THE PLAINTIFF(S) GOT TO TAKE THE LAND LITERALLY FOR ABOUT \$6,500.00 DOLLARS A STEAL, AND THE PLAINTIFF(S) LITERALLY STOLE THIS LAND AT 876 PAYNE ROAD GRAYLING MICHIGAN IN A PRIVATE CONSPIRACY TO DEFRAUD THESE DEFENDANT(S), AND

OBJECTION TO No. 5

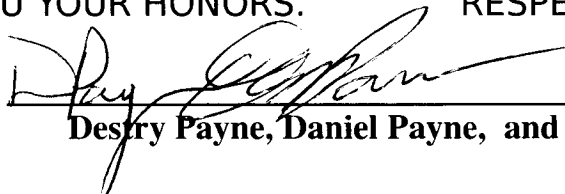
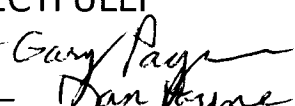
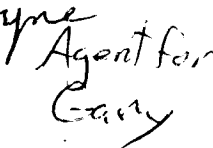
FURTHER, THE PLAINTIFF(S) DO NOT POSSESS A REAL  
LAWFUL CONVEYANCE DEED AND HAVE NO LAWFUL AUTHORITY  
TO MAKE ANY CLAIM ON THE PROPERTY OF 876 PAYNE ROAD  
GRAYLING MICHIGAN AND THESE PLAINTIFF(S) WERE SERVED  
WITH A TRUE COPY OF THE LIEN ON THE ABOVE NOTED  
PROPERTY AND THEY DID NOT SATISFY THAT LIEN AND CERTAINLY  
KNEW OR SHOULD HAVE KNOWN THE PLAINTIFF(S)  
CONVEYANCE DEED WAS IN FACT FRAUDULENT IN FACT, BUT  
TJRDR PLEINTIFF(S) THEY HAD THE SYSTEM, THE COURT THE  
HOT SHOT WELL CONNECTED ATTORNEY WITH THE JUDGE  
BURMIESTER AND THEY WERE JUST GOING TO RAM THE  
FRAUDULENT CONVEYANCE DEED THROUGH THE 87 C DISTRICT  
AND THE DEFENDANT(S) WOULD BE OVRWHELMED AND  
PLAINTIFF(S) WOULD STEEL THE 876 PAYNE ROAD PROPERTY  
BEFORE THE DEFENDANT(S) COULD EVEN HIRE AN ATTORNEY  
AND GET TO COURT. THE PLAINTIFF(S) AND THEIR ATTORNEY  
AND THE CITY OFFICERS OF GRAYLING MICHIGAN ALL REFUSE THE  
DEFENDANT(S) PLEADINGS AND PAPERWORK FROM THE  
DEFENDANT(S) , AND IT IS A MATTER OF DOCUMENTED RECORDS  
AND THESEE DOCUMENTS WERE SENT TO THE PLAINTIFF(S)  
CERTIFIED MAIL GREEN CARD CERTIFIED RESTRICTED DELIVERY ,  
AND I AM MORE THEN CERTAIN JUDGE BURMIESTER ORDERED ALL  
PAPERWORK FROM THE DEFENDENTS BE THROWN IN THE GARBAGE,  
AND ORDERED ALL SUCH PAPERWORK DISREGARDED, AND IT IS JUST  
THAT BLATTENT IN 87 C DISTRICT COURT AT GRAYLING, MICHIGAN,  
AND YOU DO NOT HAVE TO BE A ROCKET SCIENTIST TO FIGURE WHAT  
KIND OF DUE PROCESS YOU WILL CERTAINLY BE TOTALLY DENIED AND  
OR VIOLATED AND THEY DO THIS KIND OF STUFF, FRAUD, WHAT EVEN  
DENIAL DUE PROCESS OF LAW ALL THE TIME!!! PLEASE SEE TITLE #5  
U.S. CODE SECTION # 706 A DENIAL OF DUE PROCESS AND ALL  
JURISDICTION CEASES AUTOMATICALLY. THE GRAYLING 87 C DISTRICT  
COURT JUST RAILROADS CITIZENS AND THE LAW BE DAMNED AND MY  
BASIC CONSTITUTIONAL RIGHTS ARE JUST TRAMPLED, WHICH IS WHY I  
HAD TO REMOVE THIS CASE TO THE U.S. FEDERAL DISTRICT COURT  
DOWN IN BAY CITY MIHIGAN JUST TO GET SOME KIND OF FAIR TRIAL  
AND A CHANCE TO PRESENT MY CASE IN CHIEF. HAINES VS KERNER  
404 U.S. 519. WE MAKE CLAIM OF BEING DENIED DUE PROCESS IN  
FACT IN THE GRAYLING MICHIGAN 87 C DISTRICT COURT. NOW THE

FACTS ARE UNCHALLENGED AND UNREFUTED. IN FACT THE OPPOSING PARTIES HAVE FAILED TO EVEN ANSWER OR PLEAD AND IN FACT ARE IN DEFAULT FOR FAILURE TO ANSWER TO TIMELY ANSWER OR PLEAD. FURTHER THE PLAINTIFF'S HAVE FAILED TO EVEN ANSWER AND HAVE REFUSED SERVICE OF THE DEFENDANT'S PLEADINGS AND PAPERS AND COMPLAINTS AS IF DONE BY ORDER OF THE JUDGE BURMIESTER AND SO THEY HAVE FORMALLY REFUSED ALL SERVICE OF DEFENDANT'S PLEADINGS OFFICIALLY. WE THE DEFENDANT'S OBJECT FORMALLY TO THIS DENIAL OF DUE PROCESS. FAILURE TO ANSWER OR TO TIMELY PLEAD IS AN ADDMISSION TO FACTS IN EVIDENCE OR DENY THE CHARGES AND THE DEFENDANT(S) CLAIM DEFAULT ON THE PART OF THE PLAINTIFF(S)

WHEREFORE THE DEFENDANT(S) FORMALLY PRAY FOR THE JUST RELIEF OF THIS HONORABLE U.S. FEDERAL DISTRICT COURT AND THAT A FINAL JUDGMENT BE ORDERED GRANTING A STAY OF EXECUTION OF ANY AND ALL JUEGMENTS AND ORDERS AGAINST THE DEFENDANT(S) FOR ALL GOOD JUST CAUSE BEING PRESENTED IN FAVOR OF THESE DEFENDANT(S) IMMEDIATELY FOR ALL GOOD CAUSE BEING SHOWN ON THE RECORD. THANK YOU YOUR HONORS. RESPECTFULLY

SUBMITTED;

DATE 23 August 2016

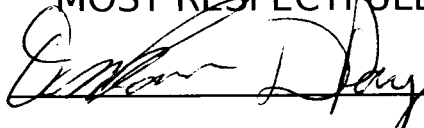
  
\_\_\_\_\_  
Destry Payne, Daniel Payne, and Gary Payne  
  
  
Agent for Gary

CERTIFICATE OF SERVICE

NOW COMES, Destry Payne , Gary Payne and Daniel Payne and others, herein before this HONORABLE U.S. FEDERAL DISTRICT COURT and do hereby certify that I/ we have served opposing counsels and others listed below a true copy of this our REMOVAL PETITION to the PARTIES LISTED BELOW , IN A SEALED ENVELOPE PLACED IN THE OFFICE OF THE U.S. MAIL AND /OR SERVED IN PERSON AT COURT AS THEY BECAME RECOGNIZED A TRUE COPY OF THESE PETITION PLEADINGS ON THIS DATE.

MOST RESPECTFULLY SUBMITTED;

DATE 23 August 2016

 Gary Payne; Dan Payne  
Daniel Payne , Destry Payne and Gary Payne *Agent for Gary*

PARTIES LISTED BELOW:

David R. Sabin P.C. P19822 APPEARING FOR JOSEPH J. DURAN  
AND PAULA C. DURAN

115 E. Michigan Ave,

Grayling, Michigan 49738

M's Sandra Moore, Crawford County Register of Deeds, Deeds  
Officer

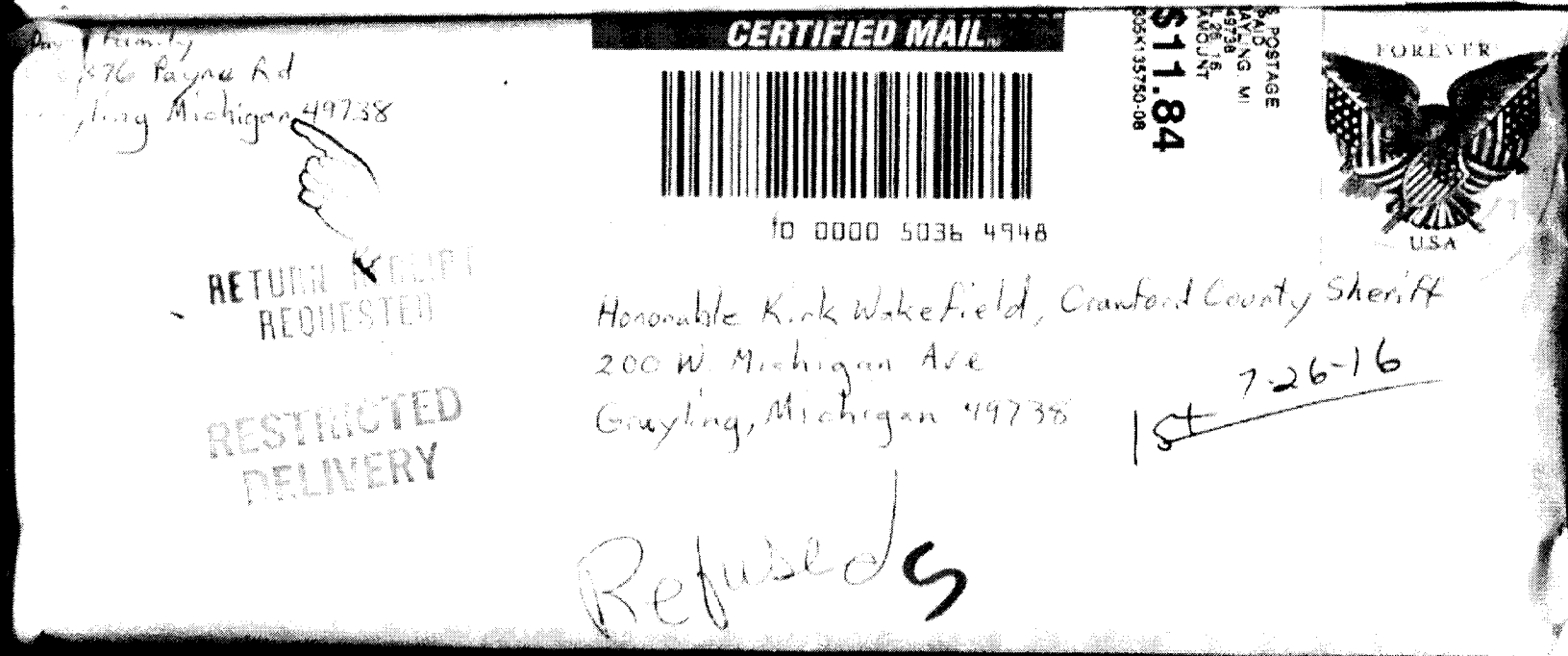
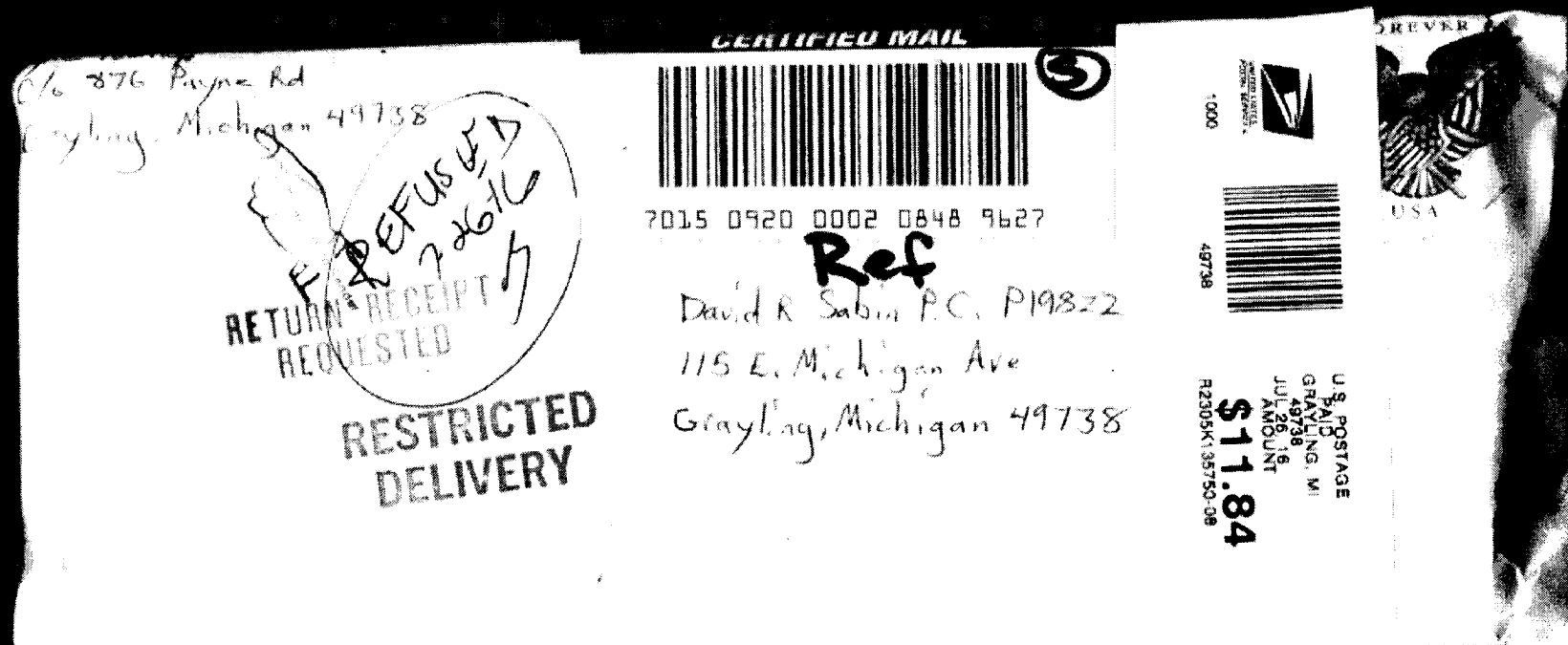
200 W. Michigan Ave.

Grayling, Michigan 49738

Hon. Kirk Wakefield, Crawford County Sheriff,

200 W. Michigan Ave.

Grayling, Michigan 49738



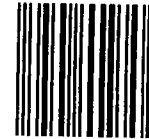
Payne Family  
Care of: 876 Payne Rd  
Grayling, Michigan 49738



7015 1730 0000 3251 7097



1004



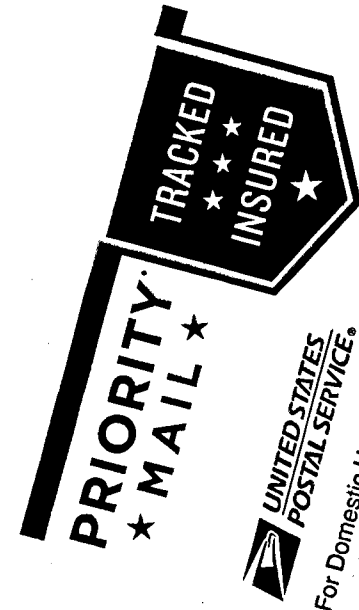
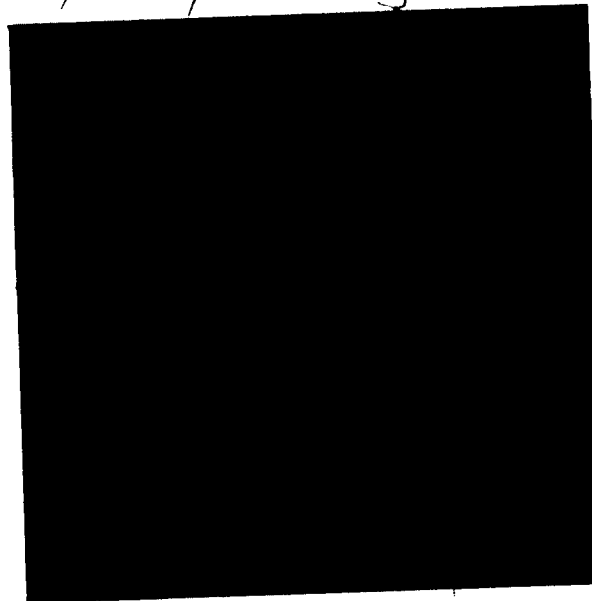
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Attn: Judge Ludington  
United States District Court  
1230 Washington Ave  
Bay City, Michigan 48708



Label 107R, July 2013